

**AGENDA FOR THE
REGULAR COUNCIL MEETING OF
MONDAY, NOVEMBER 22, 2004 AT 2:00 P.M.
CITY ADMINISTRATION BUILDING
COUNCIL CHAMBERS – 12TH FLOOR
202 “C” STREET
SAN DIEGO, CA 92101**

- ITEM-1: ROLL CALL.
- ITEM-10: INVOCATION.
- ITEM-20: PLEDGE OF ALLEGIANCE.

=== LEGISLATIVE SCHEDULE ===

Special Orders of Business

- ITEM-30: Approval of Council Minutes.

NON-AGENDA PUBLIC COMMENT

Non-agenda public comment is taken on Tuesday pursuant to the San Diego Municipal Code Section 22.0101.

CLOSED SESSION NOTICES, DISCLOSURE, AND PUBLIC COMMENT

In accordance with the San Diego City Council Temporary Rule for Noticing and Conduct of Closed Session Meeting, adopted on March 29, 2004, this portion of the agenda is reserved for City Attorney comment, public comment, and City Council discussion of the content of the **Special Closed Session Agenda for Monday, November 22, 2004, scheduled to commence immediately following the conclusion of the regular open session meeting that day. The Special Closed Session may continue into Tuesday, November 23, 2004.**

The Special Closed Session Agenda is separately available in the Office of the City Clerk and it is also posted at the same locations as the Open Session Agenda, including the City Internet address.

NOTE: Members of the public wishing to address the City Council on any item on the Special Closed Session Agenda should reference the closed session item number from the Special Closed Session Docket on the speaker slip. Speakers may speak “in favor” or “in opposition” to the subject.

Information Item - No Action Required - The City Council shall:

1) Consider any oral report from the City Attorney or City negotiators; 2) Accept testimony from any member of the public wishing to address the City Council on any item appearing on the Closed Session Agenda; 3) Questions and discussion by Council Members, limited to the facts as disclosed by the City Attorney or City negotiators and the basis or justification for consideration of the matter in closed session 4) Refer matters discussed to closed session.

COUNCIL, CITY ATTORNEY, CITY MANAGER COMMENT

REQUESTS FOR CONTINUANCE

The Council will now consider requests to continue specific items.

=== **LEGISLATIVE SCHEDULE (Continued)** ===

Adoption Agenda, Consent Items

- ITEM-50: Establishment and Exemption of Ethics Commission General Counsel Position.
CITY COUNCIL'S RECOMMENDATION: Adopt the ordinance, which was introduced on 11/8/2004, Item 54.
- ITEM-51: Communications Use Lease with the United States Department of Agriculture Forest Service, for the Lyons Peak Communications Site. (San Diego County/Federal Land.)
CITY COUNCIL'S RECOMMENDATION: Adopt the ordinance, which was introduced on 11/8/2004, Item 55.
- ITEM-52: Amendments to the Election Campaign Control Ordinance for the District 4 Special Election.
CITY COUNCIL'S RECOMMENDATION: Adopt the ordinance, which was introduced on 11/8/2004, Item 200.
- ITEM-53: Amending Permanent Rules of the Council by Amending San Diego Municipal Code Section 22.0101, Rule 6 and Rule 30, Relating to the Consent Agenda and Supplemental Items.
CITY COUNCIL'S RECOMMENDATION: Adopt the ordinance, which was introduced on 11/8/2004, Item 201.
- ITEM-54: Third Amended and Restated 1994 Agreement with the San Diego State University for Partial Use and Occupancy of Qualcomm Stadium. (District 6.)
CITY COUNCIL'S RECOMMENDATION: Adopt the ordinance, which was introduced on 11/9/2004, Item 336.
- ITEM-55: First Amendment to the Southcrest Redevelopment Plan for the Southcrest Redevelopment Project. (Southeastern San Diego Community Area. District 4.)
CITY COUNCIL'S RECOMMENDATION: Adopt the ordinance which was introduced on 11/9/2004, Item 338, Subitem A.

=== **LEGISLATIVE SCHEDULE (Continued)** ===

Adoption Agenda, Consent Items (Continued)

- ITEM-56: Legacy Walk Rezone. (Southeastern San Diego Community Plan Area. District 4.)
CITY COUNCIL'S RECOMMENDATION: Adopt the ordinance which was introduced on 11/9/2004, Item 339, Subitem F.
- ITEM-57: Lease Agreement with YMCA of San Diego County for the Construction, Operation, and Maintenance of a YMCA in Scripps Ranch. (Scripps Ranch Community Area. District 5.)
CITY MANAGER'S RECOMMENDATION: Introduce the ordinance.
- ITEM-58: Amending the San Diego Municipal Code on the Issuance of Use and Occupancy Permits.
NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:
On 10/6/2004, NR&C voted 4 to 0 to move forward to the full City Council with direction to the City Manager to include a strikeout version of the 1975 permit and showing what work will be transferred to the City Manager.
- ITEM-60: Fourth Update to the Land Development Code.

Matter of approving, conditionally approving, modifying or denying the Fourth Update to the Land Development Code and Local Coastal Program Amendment. The Fourth Update includes 7 policy issues, 17 consistency corrections, and 18 minor corrections involving Chapter 5, Article 9.5, Division 4; Chapter 6, Article 2, Divisions 1-3 and 7; Chapter 10, Article 3, Division 1; Chapter 11, Article 1, Division 1-3, 5; Chapter 11, Article 2, Divisions 3 and 5; Chapter 11, Article 3, Divisions 1 and 2; Chapter 12, Article 1, Division 3; Chapter 12, Article 5, Division 1; Chapter 12, Article 6, Divisions 3-5, and 7-9; Chapter 12, Article 7, Division 1; Chapter 12, Article 8, Division 1; Chapter 12, Article 9, Division 1, 2, 5, and 7; Chapter 13, Article 1, Division 2 and 4; Chapter 13, Article 2, Division 12; Chapter 14, Article 1, Division 10; Chapter 14, Article 2, Division 1, 3, 4, 5, 6, 8, and 12; Chapter 14, Article 3, Division 1; Chapter 14, Article 4, Division 2; Chapter 14, Article 6, Division 1 of the Land Development Code. (City-wide)
CITY COUNCIL'S RECOMMENDATION: Adopt the ordinances, which were introduced on 11/9/2004, Item 330; and adopt the resolution in Subitem E.

=== **LEGISLATIVE SCHEDULE (Continued)** ===

Adoption Agenda, Consent Items (Continued)

- ITEM-100: Approving Change Order No. 1 for the Underground Storage Tank.
(Mission Bay Community Area. District 2.)
CITY MANAGER'S RECOMMENDATION: Adopt the resolution.
- ITEM-101: Transfer of Funds for the Replacement of 5998 Camino De La Costa
Storm Drain. (La Jolla Community Area. District 1.)
CITY MANAGER'S RECOMMENDATION: Adopt the resolution.
- ITEM-102: Authorizing Expenditure of Funds for the Acquisition of Easement Rights
for the Bonita Pipeline, Phase II Project. (Southeastern Community Area.
District 4.)
CITY MANAGER'S RECOMMENDATION: Adopt the resolution.
- ITEM-103: Authorizing Expenditure of Funds for the Garfield Elementary School
Joint Use – Irrigation Pump. (Greater North Park Community Area.
District 3.)
CITY MANAGER'S RECOMMENDATION: Adopt the resolution.
- ITEM-104: Authorizing Expenditure for Black Mountain Open Space Park Cultural
Resources Survey and Management Plan. (Black Mountain Ranch and
Rancho Penasquitos Community Areas. District 1.)
CITY MANAGER'S RECOMMENDATION: Adopt the resolution.
- ITEM-105: Agreement with Hawkins, Delafield and Wood, LLP, for Bond and
Disclosure Counsel Services for Pension Obligation Bonds.
CITY ATTORNEY'S RECOMMENDATION: Adopt the resolution.
- ITEM-106: First Amendment to Consultant Agreement with Schmidt Design Group,
Inc. for Additional Professional Design Services for Carmel Valley
Community Park South. (Carmel Valley Community Area. District 1.)
CITY MANAGER'S RECOMMENDATION: Adopt the resolution.
- ITEM-107: Scripps Memorial Hospital La Jolla Day.
COUNCILMEMBER PETERS' RECOMMENDATION: Adopt the
resolution.

=== **LEGISLATIVE SCHEDULE (Continued)** ===

Adoption Agenda, Consent Items (Continued)

- ITEM-108: Taiwanese Chamber of Commerce of San Diego Day.
COUNCILMEMBER PETERS' RECOMMENDATION: Adopt the resolution.
- ITEM-109: San Diego State University School in the Park Day.
DEPUTY MAYOR ATKINS' RECOMMENDATION: Adopt the resolution.
- ITEM-110: Charlotte Nielsen Day.
DEPUTY MAYOR ATKINS' RECOMMENDATION: Adopt the resolution.
- ITEM-111: Cathy Hemphill Day.
DEPUTY MAYOR ATKINS' RECOMMENDATION: Adopt the resolution.
- ITEM-112: Rev. Reginald Gary Day.
DEPUTY MAYOR ATKINS' AND COUNCIL DISTRICT FOUR'S RECOMMENDATION: Adopt the resolution.
- ITEM-113: Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico. (District 8.)
TODAY'S ACTION IS: Adopt the resolution.
- ITEM-114: Declaring a Continued State of Emergency Due to Economic Circumstances in the San Diego-Tijuana Border Region. (District 8.)
TODAY'S ACTION IS: Adopt the resolution.
- ITEM-115: Declaring a Continued Local Health Emergency Due to the Spread of the Hepatitis C Virus and the Human Immunodeficiency Virus (HIV).
TODAY'S ACTION IS: Adopt the resolution.

=== **LEGISLATIVE SCHEDULE (Continued)** ===

Adoption Agenda, Consent Items (Continued)

ITEM-116: Declaring a Continued State of Emergency Due to Severe Shortage of Affordable Housing in the City.
TODAY'S ACTION IS: Adopt the resolution.

Adoption Agenda, Discussion, Other Legislative Items

ITEM-200: Amending the San Diego Municipal Code Relating to the City's Comprehensive Annual Financial Report.
CITY ATTORNEY'S RECOMMENDATION: Introduce the ordinance.

ITEM-201: Two actions related to Amending the San Diego Municipal Code Relating to Parking Meter Rates; and Authorizing the City Manager to Establish Downtown Parking Pilot Program. (Centre City Community Area. District 2.)
CITY MANAGER'S RECOMMENDATION: Introduce the ordinance in Subitem A and adopt the resolution in Subitem B.

ITEM-202: City Treasurer's Investment Policy and Delegation of Authority.
CITY MANAGER'S RECOMMENDATION: Adopt the resolution.

Public Notices

ITEM-250: **Notice** of Pending Final Map Approval – City View Condominiums.

ITEM-251: **Notice** of Pending Final Map Approval – Felton Heights.

Non-Docket Items

Adjournment in Honor of Appropriate Parties

Adjournment

=== EXPANDED CITY COUNCIL AGENDA ===

SPECIAL ORDERS OF BUSINESS

ITEM-30: Approval of Council Minutes.

TODAY'S ACTION IS:

Approval of Council Minutes for the meetings of:

11/01/2004 - Adjourned

11/02/2004 - Adjourned

NON-AGENDA PUBLIC COMMENT

Non-agenda public comment is taken on Tuesday pursuant to the San Diego Municipal Code Section 22.0101.

CLOSED SESSION NOTICES, DISCLOSURE, AND PUBLIC COMMENT

In accordance with the San Diego City Council Temporary Rule for Noticing and Conduct of Closed Session Meeting, adopted on March 29, 2004, this portion of the agenda is reserved for City Attorney comment, public comment, and City Council discussion of the content of the **Special Closed Session Agenda for Monday, November 22, 2004, scheduled to commence immediately following the conclusion of the regular open session meeting that day. The Special Closed Session may continue into Tuesday, November 23, 2004.**

The Special Closed Session Agenda is separately available in the Office of the City Clerk and it is also posted at the same locations as the Open Session Agenda, including the City Internet address.

NOTE: Members of the public wishing to address the City Council on any item on the Special Closed Session Agenda should reference the closed session item number from the Special Closed Session Docket on the speaker slip. Speakers may speak “in favor” or “in opposition” to the subject.

Information Item - No Action Required - The City Council shall:

1) Consider any oral report from the City Attorney or City negotiators; 2) Accept testimony from any member of the public wishing to address the City Council on any item appearing on the Closed Session Agenda; 3) Questions and discussion by Council Members, limited to the facts as disclosed by the City Attorney or City negotiators and the basis or justification for consideration of the matter in closed session 4) Refer matters discussed to closed session.

COUNCIL, CITY ATTORNEY, CITY MANAGER COMMENT

REQUEST FOR CONTINUANCE

The Council will now consider requests to continue specific items.

ADOPTION AGENDA, CONSENT ITEMS

The following listed items are considered to be routine, and the appropriate Environmental Impact Reports have been considered. These items are indicated on the docket by a preceding asterisk (*). Because these items may be handled quickly, if you wish to be heard submit your Request to Speak form prior to or at 2:00 p.m.

ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING WITH THE READING AND ADOPTION:

Items 50, 51, 52, 53, 54, 55, and 56.

ORDINANCES TO BE INTRODUCED:

Items 57 and 58.

ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING WITH THE READING AND ADOPTION WITH RESOLUTION TO BE ADOPTED:

Items 60.

RESOLUTIONS TO BE ADOPTED:

Items 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, and 116.

ADOPTION AGENDA, CONSENT ITEMS

ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING WITH THE READING AND ADOPTION:

* ITEM-50: Establishment and Exemption of Ethics Commission General Counsel Position.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance, which was introduced on 11/8/2004, Item 54. (Council voted 8-0. Councilmember District-4 vacant):

(O-2005-51)

Exempting the position of General Counsel for the Ethics Commission from the classified service.

* ITEM-51: Communications Use Lease with the United States Department of Agriculture Forest Service, for the Lyons Peak Communications Site.

(San Diego County/Federal Land.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance, which was introduced on 11/8/2004, Item 55. (Council voted 8-0. Councilmember District-4 vacant):

(O-2005-53)

Authorizing the City Manager to execute a Communications Use Lease with the United States Department of Agriculture, Forest Service, for the lease of a portion of Lyons Peak located in the Cleveland National Forest for a term of ten years, for no fee, under the terms and conditions set forth in the Communications Use Lease.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

**ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING
WITH THE READING AND ADOPTION: (Continued)**

- * ITEM-52: Amendments to the Election Campaign Control Ordinance for the District 4 Special Election.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 11/8/2004, Item 200. (Council voted 8-0. Councilmember District 4-vacant):

(O-2005-56)

Amending Ordinance O-19317, which repeals and re-enacts the City of San Diego Election Campaign Control Ordinance, to change its effective date from January 1, 2005 to January 5, 2005.

- * ITEM-53: Amending Permanent Rules of the Council by Amending San Diego Municipal Code Section 22.0101, Rule 6 and Rule 30, Relating to the Consent Agenda and Supplemental Items.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 11/8/2004, Item 201. (Council voted 8-0. Councilmember District 4-vacant):

(O-2005-50)

Amending the Permanent Rules of the Council by amending San Diego Municipal Code Section 22.0101, Rule 6, relating to the Adoption Agenda, and Rule 30, relating to Supplemental Items.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

**ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING
WITH THE READING AND ADOPTION: (Continued)**

- * ITEM-54: Third Amended and Restated 1994 Agreement with the San Diego State University for Partial Use and Occupancy of Qualcomm Stadium.

(District 6.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance, which was introduced on 11/9/2004, Item 336. (Council voted 8-0. Councilmember District 4-vacant):

(O-2005-42)

Authorizing the City Manager to execute the Third Amended and Restated 1994 Agreement for Partial Use and Occupancy of Qualcomm Stadium between San Diego State University and the City of San Diego, under the terms and conditions set forth in the Agreement.

NOTE: 6 votes required pursuant to Section 99 of the City Charter.

- * ITEM-55: First Amendment to the Southcrest Redevelopment Plan for the Southcrest Redevelopment Project.

(Southeastern San Diego Community Area. District 4.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 11/9/2004, Item 338, Subitem A. (Council voted 8-0. Councilmember District 4-vacant):

(O-2005-57)

Approving and adopting the First Amendment to the Redevelopment Plan for the Southcrest Redevelopment Project.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING
WITH THE READING AND ADOPTION: (Continued)

* ITEM-56: Legacy Walk Rezone.

(Southeastern San Diego Community Plan Area. District 4.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 11/9/2004, Item 339, Subitem-F.
(Council voted 8-0. Councilmember District-4 vacant):

(O-2005-52)

Rezoning a 4.4 acres, located on the east side of South 43rd Street, south of Logan Avenue, in the Southcrest Neighborhood, in the Southeastern Community Plan Area, in the City of San Diego, California, from the CT-2 Zone into the MF-1500 Zone, as defined by San Diego Municipal Code Section 103.1706.

ADOPTION AGENDA, CONSENT ITEMS

ORDINANCES TO BE INTRODUCED:

- * ITEM-57: Lease Agreement with YMCA of San Diego County for the Construction, Operation, and Maintenance of a YMCA in Scripps Ranch.

(Scripps Ranch Community Area. District 5.)

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance:

(O-2005-66 Cor. Copy)

Introduction of an Ordinance authorizing the City Manager to execute a 10-Year Lease Agreement with YMCA of San Diego County for the construction, operation, and maintenance of a YMCA facility in Scripps Ranch and authorizing the expenditure of \$425,000 for studies, design, and construction from certain developer fund accounts.

CITY MANAGER'S SUPPORTING INFORMATION:

In April 2002, a 4.467 acre vacant parcel near the Scripps Ranch Marketplace was purchased for public recreational use by the City from Shea Homes Limited Partnership ("Shea") for \$1 million. The purchase was made pursuant to a Settlement and Release Agreement dated July 24, 2001, between Shea, Shea Properties and the City. To facilitate the commencement of the development project, community funds of \$425,000 from developer interest accounts have been earmarked for the development of recreational facilities in the Scripps Ranch community.

To better serve residents of the area, the YMCA of San Diego County has proposed entering into a lease for the property. The terms of the lease are as follows:

TERM: 10 years with one 25-year option to extend. If an agreement is reached on additional improvements, another 10-year option to extend will be added for a potential term of 45 years.

FEE: Annual administrative fee with an annual Consumer Price Index (CPI) adjustment. The fee for 2004 is \$2,621.

FUND ALLOCATIONS: City developer funds as follows - \$95,000 for a Marketing and Financial Impact Study and a Goal Feasibility Study; \$30,000 for the design of an interim use facility; and \$300,000 for the construction of an interim use facility. Results of the studies will assist in determining an interim use for the property.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

ORDINANCES TO BE INTRODUCED: (Continued)

* ITEM-57: (Continued)

CITY MANAGER'S SUPPORTING INFORMATION: (Continued)

USES: Construction, operation and maintenance of a YMCA facility for recreational, educational, health, social and cultural purposes.

SIZE: 4.467 acres.

The fair market value of the unimproved land was estimated by City staff as of September 30, 2004, to be in the range of \$4,500,000 to \$5,500,000.

FISCAL IMPACT:

\$2,621 per year, subject to annual CIP adjustments, will be deposited into the General Fund from lessee \$425,000 will be funded for studies and construction from Developer Account Nos. 392111, 392141, 392163, and 392102.

Herring/Griffith/CLY

Aud. Cert. 2500490.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

ORDINANCES TO BE INTRODUCED: (Continued)

- * ITEM-58: Amending the San Diego Municipal Code on the Issuance of Use and Occupancy Permits.

(See memorandum from William Deloatch dated 9/27/2004; Resolutions 214066, 214067 and Ordinance O-2004-148.)

TODAY'S ACTION IS:

Introduce the following ordinance:

(O-2004-148)

Introduction of an Ordinance amending Chapter 2, Article 2, Division 15, of the San Diego Municipal Code by amending Section 22.1502, relating to the authority of the Director of the Park and Recreation Department to issue Use and Occupancy Permits.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 10/6/2004, NR&C voted 4 to 0 to move forward to the full City Council with direction to the City Manager to include a strikeout version of the 1975 permit and showing what work will be transferred to the City Manager. (Councilmembers Zucchet, Frye, Madaffer, and Inzunza voted yea. District 4-vacant.)

SUPPORTING INFORMATION:

Special Use and Preferential Use & Occupancy Permits are currently issued on an annual basis to social, civic, philanthropic, educational, or cultural clubs and organizations. The Special Use Permits are for the permittee's intermittent use of space, subject to availability. The Preferential Use Permits provide the permittee a more constant use and control of a particular location, although there is still a requirement that the public not be wholly or permanently excluded from the premises. Many of the provisions of the two permits are the same.

From 1954-1966, the Park and Recreation Director executed Special Use and Preferential Use & Occupancy Permits. In 1967, Preferential Use permits were approved by Council while Special Use Permits continued to be approved by the Director. In 1975, the Council approved allowing the Director the authority to issue both types of permits, on a form approved by Council.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

ORDINANCES TO BE INTRODUCED: (Continued)

* ITEM-58: (Continued)

SUPPORTING INFORMATION: (Continued)

The forms approved by Council in 1975 are outdated. Over the years, different versions (unapproved) of the form approved by Council have made their way into the system. Without knowing specifically when this occurred, it can only be speculated that at some point, the form became obsolete and not realizing it was a Council-approved form, staff began making changes. One of the terms deleted over the years was the right to appeal to Council in the event a permit was terminated or denied. The 1975 form requires significant changes and it would be beneficial to all if there is the flexibility to make future changes as needed. Some of the changes currently needed are new non-discrimination language, indemnification language, a notification regarding appropriate political action, and a notification that all City third-party agreements must be complied with.

In addition, the Park and Recreation Department hired the consulting firm of Calderon, Jaham & Osborn (CJO) to study and to make recommendations specific to recreation council operations and governance. CJO observed that different recreation councils have developed into different roles and organizational structures and recommended that Special Use Permit revisions to more accurately reflect these changes be pursued; a committee of recreation council chairs and City staff (SOP Sub-Committee) has been formed to develop a new Special Use Permit acceptable to recreation councils and the City.

An amendment to the Municipal Code is proposed which would allow the Park and Recreation Director to execute the permits subject to the approval of the City Manager, instead of the current language, which makes the issuance subject to the approval of the Council. This change will allow for the form to be updated as needs dictate and through negotiation by the Park and Recreation Director and the permittee, without seeking Council approval of a form document. This authority would be consistent with the authority currently granted to the City Manager to execute leases of City property for periods of less than three years on terms he deems proper.

Loveland/Oppenheim/BD

ADOPTION AGENDA, CONSENT ITEMS

**ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING
WITH THE READING AND ADOPTION WITH RESOLUTION TO BE ADOPTED:**

*** ITEM-60: Fourth Update to the Land Development Code.**

Matter of approving, conditionally approving, modifying or denying the Fourth Update to the Land Development Code and Local Coastal Program Amendment. The Fourth Update includes 7 policy issues, 17 consistency corrections, and 18 minor corrections involving Chapter 5, Article 9.5, Division 4; Chapter 6, Article 2, Divisions 1-3 and 7; Chapter 10, Article 3, Division 1; Chapter 11, Article 1, Division 1-3, 5; Chapter 11, Article 2, Divisions 3 and 5; Chapter 11, Article 3, Divisions 1 and 2; Chapter 12, Article 1, Division 3; Chapter 12, Article 5, Division 1; Chapter 12, Article 6, Divisions 3-5, and 7-9; Chapter 12, Article 7, Division 1; Chapter 12, Article 8, Division 1; Chapter 12, Article 9, Division 1, 2, 5, and 7; Chapter 13, Article 1, Division 2 and 4; Chapter 13, Article 2, Division 12; Chapter 14, Article 1, Division 10; Chapter 14, Article 2, Division 1, 3, 4, 5, 6, 8, and 12; Chapter 14, Article 3, Division 1; Chapter 14, Article 4, Division 2 ; Chapter 14, Article 6, Division 1 of the Land Development Code. (City-wide)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinances which were introduced on 11/9/2004, Item 330; and adopt the resolution in Subitem E. (Council voted 7-0. Councilmember Zucchet not present. Councilmember District 4-vacant):

Subitem-A: (O-2005-39 Cor. Copy)

Amending Chapter 10, Article 3, Division 1, by amending Section 103.1703; amending Chapter 11, Article 1, Division 1, by amending Section 111.0105; amending Chapter 11, Article 1, Division 2, by repealing Section 111.0203; amending Chapter 11, Article 1, Division 2, Sections 111.0207 and 111.0208; amending Chapter 11, Article 2, Division 3, by amending Section 112.0304; amending Chapter 11, Article 2, Division 5, by amending Sections 112.0501 and 112.0506; amending Chapter 11, Article 3, Division 1, by amending Section 113.0103; amending Chapter 11, Article 3, Division 2, by adding Section 113.0231; amending Chapter 11, Article 3, Division 2 by amending Sections 113.0249 and 113.0252, and 113.0270, 113.0273, and 113.0276; amending Chapter 12, Article 1, Division 3, by amending Sections 121.0302, 121.0309, and 121.0312; amending Chapter 12, Article 5, Division 1, by amending Section 125.0120; amending Chapter 12,

ADOPTION AGENDA, CONSENT ITEMS (Continued)

ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING
WITH THE READING AND ADOPTION WITH RESOLUTION TO BE ADOPTED:
(Continued)

* ITEM-60: (Continued)

Subitem-A: (Continued)

Article 6, Division 3, by amending Section 126.0303; amending Chapter 12, Article 6, Division 4, by amending Section 126.0402; amending Chapter 12, Article 6, Division 5, by amending Section 126.0502 and 126.0504; amending Chapter 12, Article 6, Division 7, by amending Section 126.0704; amending Chapter 12, Article 6, Division 8, by amending Section 126.0804; and amending Chapter 12, Article 6, Division 9, by repealing Sections 126.0901, 126.0902, 126.0903, 126.0904, 126.0905, 126.0906, and 126.0907; amending Chapter 12, Article 7, Division 1, by amending Sections 127.0104 and 127.0106; amending Chapter 12, Article 8, Division 1, by amending Sections 128.0103 and 128.0104; amending Chapter 12, Article 9, Division 1, by amending Sections 129.0104 and 129.0112; amending Chapter 12, Article 9, Division 2, by amending Section 129.0214; amending Chapter 12, Article 9, Division 5, by amending Section 129.0506; amending Chapter 12, Article 9, Division 7, by amending Sections 129.0702, 129.0703, 129.0710, and by adding Section 129.0715; amending Chapter 13, Article 1, Division 2, by amending Section 131.0231 and adding Section 131.0260; amending Chapter 13, Article 1, Division 4, by amending Sections 131.0443, 131.0444, 131.0461, 131.0464, and by adding Section 131.0466; amending Chapter 13, Article 1, Division 5, by amending Section 131.0540; amending Chapter 13, Article 2, Division 12, by amending Section 132.1202; amending Chapter 14, Article 1, Division 10, by amending Section 141.1004; amending Chapter 14, Article 2, Division 1, by adding Section 142.0150; amending Chapter 14, Article 2, Division 3, by amending Section 142.0340; amending Chapter 14, Article 2, Division 4, by amending Section 142.0402; amending Chapter 14, Article 2, Division 5, by amending Section 142.0560; amending Chapter 14, Article 2, Division 6, by adding Section 142.0607; amending Chapter 14, Article 2, Division 6, by amending Sections 142.0611 and 142.0670; amending Chapter 14, Article 2, Division 8, by amending Section 142.0810; amending Chapter 14, Article 2, Division 12, by amending Section 142.1240; amending Chapter 14, Article 3, Division 1, by amending Sections 143.0110, 143.0111, 143.0126, 143.0140, 143.0142; and 143.0144; amending Chapter 14, Article 3, Division 3, by amending 143.0302; amending Chapter 14, Article 4, Division 2, by amending Section 144.0231; amending Chapter 14, Article 4, Division 2, by adding Section 144.0233; and amending Chapter 14, Article 6, Division 1, by amending Section 146.0106, all relating to Fourth Update of the Land Development Code.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING
WITH THE READING AND ADOPTION WITH RESOLUTION TO BE ADOPTED:
(Continued)

* ITEM-60: (Continued)

Subitem-B: (O-2005-39a) (Option 1)

Amending Chapter 14, Article 3, Division 1, of the San Diego Municipal Code,
by amending Section 143.0110 relating to the Land Development Code.

Subitem-C: (O-2005-44)

Amending Chapter 5, Article 9.5, Division 4, of the San Diego Municipal Code
by amending Section 59.5.0401, pertaining to noise and abatement control; by
amending Chapter 6, Article 2, Divisions 1 through 3 by repealing Divisions 1-3;
and by amending Chapter 6, Article 2, Division 7, by amending and renumbering
Section 62.07 to 62.0701, and adding Section 62.0702, pertaining to public rights-
of way and land development.

Subitem-D: (O-2005-27)

Amending Chapter 6, Article 2, Division 2, of the San Diego Municipal Code by
amending and renumbering Section 62.0208 to Section 142.0680, all relating to
Cost Reimbursement Districts.

Subitem-E: (R-2005-512)

Adoption of a Resolution certifying that the information contained in Addendum
to Environmental Impact Report LDR-42-1548, has been completed in
compliance with the California Environmental Quality Act of 1970, as amended,
and State guidelines, that the report reflects the independent judgment of the City
of San Diego as Lead Agency and that the information contained in the report,
together with any comments received during the public review process, has been
reviewed and considered by the Council in connection with the approval of the
amendments to the Land Development Code and Chapters Five and Six of the
Municipal Code;

Directing the City Clerk to file a Notice of Determination [NOD] with the Clerk
of the Board of Supervisors for the County of San Diego regarding this project.

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

* ITEM-100: Approving Change Order No. 1 for the Underground Storage Tank.

(Mission Bay Community Area. District 2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-511)

Authorizing and directing the City Auditor and Comptroller in accordance with the 2005 Annual Appropriation Ordinance to amend the Fiscal Year 2005 Capital Improvement Program budget to increase CIP-33-084.0, Underground Hazardous Materials Storage Tanks, Fund No. 630221, Contributions from the General Fund, by the amount of \$13,336.99;

Authorizing the City Auditor and Comptroller to transfer the amount of \$13,336.99 from Fire-Rescue Department, General Fund No. 100, to Fund No. 630221, Contributions from the General Fund;

Approving Change Order No. 1, dated October 12, 2004, issued in connection with the contract between the City and Silverton General, Inc., for fuel system upgrades at the City's Lifeguard Headquarters, together with the changes therein set forth, amounting to a net increase in the contract price of \$13,336.99;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$13,336.99 from CIP-33-084.0, Underground Hazardous Materials Storage Tanks, solely and exclusively to provide funds for Change Order No. 1 to the construction contract with Silverton General, Inc., for upgrades to the fuel system at the City's Lifeguard Headquarters.

CITY MANAGER SUPPORTING INFORMATION:

The proposed resolution will transfer, appropriate and authorize the expenditure of \$13,336.99 for the purpose of underground storage tank removal and aboveground storage tank installation at the City's Lifeguard Headquarters, 2581 Quivira Court. The resolution will transfer \$13,336.99 from Fund 630221, Contributions from the General Fund into the Underground Hazardous Materials Storage Tanks CIP-33-084.0, Fund 30244, CIP Construction Fund.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-100: (Continued)

FISCAL IMPACT:

Funds are to be transferred in the amount of \$13,336.99 from Fund 630221 into CIP-33-084.0, Underground Hazardous Materials Storage Tanks, Fund 41201. Funds will be expended from CIP-33-084.0 in an amount not to exceed \$13,336.99.

Mendes/Heap/CH

Aud. Cert. 2500467.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-101: Transfer of Funds for the Replacement of 5998 Camino De La Costa Storm Drain.

(La Jolla Community Area. District 1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-515)

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$75,000 from Fund No. 41506, Sewer Revenue Fund to CIP-52-338.8, 5998 Camino de la Costa Storm Drain Replacement, and authorizing the expenditure of said funds, solely and exclusively, for the purpose of providing funds for the 5998 Camino De La Costa Storm Drain Replacement;

Authorizing the City Auditor and Comptroller to transfer the amount of \$75,000 from CIP-13-005.0, Emergency Drainage Projects to CIP-52-338.8, 5998 Camino De La Costa Storm Drain Replacement, and authorizing the expenditure of said funds, solely and exclusively, for the purpose of providing funds for the 5998 Camino De La Costa Storm Drain Replacement;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$150,000 from CIP-52-338.8, 5998 Camino De La Costa Storm Drain Replacement, solely and exclusively to provide funds for the 5998 Camino de La Costa Storm Drain Replacement project, contingent upon the City Auditor and Comptroller first furnishing a certificate certifying that funds are, or will be available, noting that this action does not constitute a decision to proceed with the construction of the project as recommended and further does not foreclose the analysis of alternatives or mitigation measures that would ordinarily be a part of environmental of permit review;

Authorizing the City Auditor and Comptroller, upon advice from administering departments, to transfer excess budgeted funds, if any, to the appropriate reserves.

CITY MANAGER SUPPORTING INFORMATION:

Relatively rapid marine erosion of sea caves has undermined the end of street improvements, including the existing 18-inch storm drain pipe, at 5998 Camino De La Costa. What is left of the existing storm drain pipe is badly corroded and its function is compromised.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-101: (Continued)

CITY MANAGER SUPPORTING INFORMATION: (Continued)

The proposed project will restore the storm drain pipe and prevent any impact to the nearby existing underground sewer pump station # 20 and other existing facilities. Staff prepared the construction documents, including plans and specifications, to advertise and bid the project for construction once all permits are secured. These construction drawings are being reviewed by the Development Services Department as part of the site development permit and environmental review processes. This project is located along the beach area. Therefore, no construction work will be scheduled during the beach summer moratorium. The project was partially funded with an allocation from CAPITAL OUTLAY and TOT Coastal Infrastructure and Facilities (Fund 1022320). An additional \$150,000 is needed to complete project funding.

FISCAL IMPACT:

\$75,000 is available in Sewer revenue fund 41506, and \$75,000 is available in CIP-13-005.0, Emergency Drainage Projects, Annual Allocation.

Mendes/Boekamp/Zoumaras

Aud. Cert. 2500460.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- * ITEM-102: Authorizing Expenditure of Funds for the Acquisition of Easement Rights for the Bonita Pipeline, Phase II Project.

(Southeastern Community Area. District 4.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-460)

Authorizing the City Manager to expend an amount not to exceed \$20,000 from CIP-70-920.0, Bonita Pipeline Phase II (Fund No. 41500), for the acquisition of easement rights for the future maintenance of telemetry control equipment, and for appraisal services, title fees, City staff labor charges, and miscellaneous costs of acquisition, provided that the City Auditor and Comptroller first furnishes one or more certificates demonstrating that the funds necessary for such expenditures are on deposit in the City Treasury;

Authorizing the City Auditor and Comptroller to transfer excess budgeted funds, if any, to the appropriate reserves upon the advice of the administering department.

CITY MANAGER SUPPORTING INFORMATION:

As part of the Bonita Pipeline Phase II Project, new 30"water mains were installed in the Imperial Avenue right-of-way, and a water pressure metering vault was installed within YMCA Way (formerly 45th Street), to regulate pressure within the water distribution system. For remote control of this metering vault, a power pedestal, telemetry cabinet, and antennae were installed on the private property located southwest of Imperial Avenue and YMCA Way. This remote control equipment was installed on the merits of a Permit, granted by the property owners, which allowed project construction to proceed on schedule, while the necessary right-of-way drawing and corresponding legal description were completed, the property rights were appraised, and the easement document was drafted and processed for signatures. Construction has been completed, and the City's fair market value offer has been accepted by the owners, signified by their signing of the easement document.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-102: (Continued)

CITY MANAGER SUPPORTING INFORMATION: (Continued)

This action will authorize the expenditure of an amount not to exceed \$20,000 from Water Fund 41500, CIP-70-920.0 (Bonita Pipeline Phase II), for the acquisition of the required easement rights. Further, this action will authorize the City Auditor, upon advice from the administrating department, to transfer excess budgeted funds, if any, to the appropriate reserves.

FISCAL IMPACT:

Funds in the amount of \$20,000 are available in Fund 41500, CIP-70-920.0, Bonita Pipeline Phase II.

Herring/Griffith/SLG

Aud. Cert. 2500449.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- * ITEM-103: Authorizing Expenditure of Funds for the Garfield Elementary School Joint Use – Irrigation Pump.

(Greater North Park Community Area. District 3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-503)

Amending the Fiscal Year 2005 Capital Improvements Program Budget in CIP-29-422.0, Garfield Elementary School Joint Use Facility Phase I, Fund No. 39095, Park-Northeast Special Park Fees, by increasing the budget amount by \$10,000;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$10,000 from CIP-29-422.0, Garfield Elementary School Joint Use Facility Phase I, Fund No. 39095, Park-Northeast Special Park Fees, for the purpose of installing an irrigation pump.

CITY MANAGER SUPPORTING INFORMATION:

Garfield Elementary School is located at 4487 Oregon Street, San Diego, California 92103, in the Greater North Park Community. The original capital improvement project provided for the design and construction of an approximately 0.75 acre turfed joint use field. When the irrigation system was designed, the water pressure was marginally adequate to irrigate the field in a timely and efficient manner. Although the field can be irrigated, an irrigation pump is needed to boost the pressure for optimal irrigation coverage in order to maintain the joint use turfed field at a level acceptable to the City, the School District and the community.

On July 9, 2004, four bids were received for implementation of the irrigation pump. All bids for the irrigation pump were higher than the available funding remaining in the original capital improvement project. Additional funding has been identified to enable awarding a construction contract to the lowest bidder for an irrigation pump at this joint use field.

FISCAL IMPACT:

Funds in the amount of \$10,000 are available from Park - Northeast Special Park Fees, Fund No. 39095, for this purpose.

Herring/Oppenheim/AP

Aud. Cert. 2500448.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- * ITEM-104: Authorizing Expenditure for Black Mountain Open Space Park Cultural Resources Survey and Management Plan.

(Black Mountain Ranch and Rancho Penasquitos Community Areas. District 1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-176 Cor Copy)

Authorizing the addition of CIP-29-862.0, Black Mountain Open Space Park Cultural Resources Survey and Management Plan, to the Fiscal Year 2005 Capital Improvements Program;

Authorizing an increase in the Fiscal Year 2005 Capital Improvements Program Budget in CIP-29-862.0, Black Mountain Open Space Park Cultural Resources Survey and Management Plan, Fund No. 10702, Black Mountain Ranch Developer Contribution;

Authorizing the City Auditor and Comptroller to appropriate and expend \$100,000 from CIP-29-862.0, Black Mountain Open Space Park Cultural Resources Survey and Management Plan, Fund No. 10702, Black Mountain Ranch Developer Contribution, for preparation of a cultural and historical resources survey and management plan.

CITY MANAGER SUPPORTING INFORMATION:

The purpose of this request for Council action is to establish a capital improvements project for the study of cultural resources in Black Mountain Open Space Park. Funding for this project is from a donation that is the result of a private agreement between Black Mountain Ranch, LLC and the Sierra Club to which the City is not a party. The use of the donation for this purpose has been approved by Mr. Duane M. Danielsen, Vice President, Black Mountain Ranch, LLC. The donation (\$100,000) will be used to prepare the Black Mountain Open Space Park Cultural and Historical Resources Survey and Management Plan (Study), as described in the Project Description, Consultant Qualifications and Draft Scope of Work.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-104: (Continued)

CITY MANAGER SUPPORTING INFORMATION: (Continued)

The Summary Timeline and Preliminary Cost Estimate, describe the potential project phases and costs. The Study will be used to guide City staff and interested members of the public in the management and interpretation of the park's important cultural and historical resources.

FISCAL IMPACT:

Funding for this project (\$100,000) is available from Fund No. 10702, Black Mountain Ranch Developer Contribution. The use of these funds will include staff and administrative costs as well as fees for professional consultant services.

Herring/Oppenheim/AP

Aud. Cert. 2500426.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- * ITEM-105: Agreement with Hawkins, Delafield and Wood, LLP, for Bond and Disclosure Counsel Services for Pension Obligation Bonds.

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-201)

Authorizing the City Manager to execute an agreement with Hawkins, Delafield and Wood, LLP, for bond and disclosure counsel services for Pension Obligation Bonds, in an amount not to exceed \$175,000, under the terms and conditions set forth in the Agreement, contingent upon the City Auditor and Comptroller first furnishing a certificate certifying that funds are available.

SUPPORTING INFORMATION:

The City is contemplating the issuance of pension obligation bonds (Bonds) in early 2005 to reduce the City's outstanding pension Unfunded Accrued Liability (UAAL). It is in the best interest of the City to retain Hawkins, Delafield and Wood, LLP (Firm) to provide bond and disclosure counsel service in connection with the Bonds. The Firm proposed to provide such services for an hourly rate in connection with the Bonds for a maximum amount not to exceed \$175,000. Such fees are contingent on the Bonds being sold and shall be paid from the proceeds of the Bonds. The City has determined to accept the firm's proposal and retain it as bond and disclosure counsel for the Bonds.

Noone/RD

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- * ITEM-106: First Amendment to Consultant Agreement with Schmidt Design Group, Inc. for Additional Professional Design Services for Carmel Valley Community Park South.

(Carmel Valley Community Area. District 1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-376)

Authorizing the City Manager to execute an agreement with Schmidt Design Group, Inc., for additional professional design services in CIP-29-764.0, Carmel Valley Community Park South (Project), in the amount of \$261,605, under the terms and conditions set forth in the Agreement;

Authorizing the expenditure of an amount not to exceed \$261,605 from CIP-29-764.0, Carmel Valley Community Park South, for the purpose of providing funds for the above-referenced Project.

CITY MANAGER SUPPORTING INFORMATION:

The original Agreement between the City and Schmidt Design Group, Inc. for professional design services provided for the development of the General Development Plan (GDP) for CIP-29-764.0, Carmel Valley Community Park South and was approved by the City Council on December 3, 2002, Resolution No. R-297406. The First Amendment to Agreement will increase the original scope of services to provide for the production of Contract Documents to secure public bids and assist the City through the public bidding and construction phases of the project.

FISCAL IMPACT:

On December 3, 2002, the City Council approved the Consultant Agreement between the City and Schmidt Design Group, Inc. for CIP-29-764.0, Carmel Valley Community Park South, Resolution No. R-297406 for the contract amount of \$170,744, Purchase Order No. 5054405-0, AC2300571, Carmel Valley South Facilities Benefit Assessment Fund, Fund Number 79008. The First Amendment to Agreement will revise the original scope of services and increase the original consulting fees by \$261,605 for a total amount of \$432,349. The additional consulting fees (\$261,605) shall be funded by the Carmel Valley South Facilities Benefit Assessment Fund, Fund No. 79008.

Herring/Oppenheim/Penera

Aud. Cert. 2500469.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-107: Scripps Memorial Hospital La Jolla Day.

COUNCILMEMBER PETERS' RECOMMENDATION:

Adopt the following resolution:

(R-2005-431)

Recognizing the positive community care that Scripps Memorial Hospital La Jolla brings to the City of San Diego;

Proclaiming October 9, 2004, to be "Scripps Memorial Hospital La Jolla Day" in the City of San Diego.

* ITEM-108: Taiwanese Chamber of Commerce of San Diego Day.

COUNCILMEMBER PETERS' RECOMMENDATION:

Adopt the following resolution:

(R-2005-514)

Proclaiming October 21, 2004, to be "Taiwanese Chamber of Commerce of San Diego Day" in the City of San Diego.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-109: San Diego State University School in the Park Day.

DEPUTY MAYOR ATKINS' RECOMMENDATION:

Adopt the following resolution:

(R-2005-542)

Commending San Diego State University's School in the Park program for its unparalleled commitment to improve the educational, cultural and intellectual experience of our youth by partnering with Balboa Park institutions to achieve this goal;

Proclaiming November 9, 2004, to be "San Diego State University School in the Park Day" in the City of San Diego.

* ITEM-110: Charlotte Nielsen Day.

DEPUTY MAYOR ATKINS' RECOMMENDATION:

Adopt the following resolution:

(R-2005-544)

Commending Charlotte Nielsen for her commitment and dedication to improve and enhance Balboa Park through her volunteer and philanthropic efforts;

Proclaiming November 9, 2004, to be "Charlotte Nielsen Day" in the City of San Diego.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-111: Cathy Hemphill Day.

DEPUTY MAYOR ATKINS' RECOMMENDATION:

Adopt the following resolution:

(R-2005-545)

Commending Cathy Hemphill for her outstanding contributions to her community and congratulating her on the celebration of her 60th birthday;

Proclaiming October 27, 2004, to be 'Cathy Hemphill Day' in the City of San Diego.

* ITEM-112: Rev. Reginald Gary Day.

DEPUTY MAYOR ATKINS' AND COUNCIL DISTRICT FOUR'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-543)

Commending Rev. Reginald Gary for his dedication and service to his congregation at New Creation Church, and recognizing him for his lifelong commitment to his community and his faith;

Proclaiming November 14, 2004, to be "Rev. Reginald Gary Day" in the City of San Diego.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- * ITEM-113: Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico.

(District-8.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2005-404)

Declaring a Continued State of Emergency regarding the discharge of raw sewage from Tijuana, Mexico.

- * ITEM-114: Declaring a Continued State of Emergency Due to Economic Circumstances in the San Diego-Tijuana Border Region.

(District-8.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2005-275)

Declaring a Continued State of Emergency due to economic circumstances in the San Diego-Tijuana border region.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- * ITEM-115: Declaring a Continued Local Health Emergency Due to the Spread of the Hepatitis C Virus and the Human Immunodeficiency Virus (HIV).

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2005-277)

Declaring a Continued Local Health Emergency due to the spread of the Hepatitis C Virus and the Human Immunodeficiency Virus (HIV) for the purpose of implementing a one-year clean needle and syringe exchange program.

CITY MANAGER SUPPORTING INFORMATION:

California Health and Safety Code section 11364.7 (effective January 1, 2000) acknowledges the public health threat posed by the sharing of needles and syringes by injection drug users. The Code requires a local jurisdiction to declare a local emergency due to the existence of a critical local public health crisis in order to establish a clean needle and syringe exchange program. In order to permit development and implementation of a pilot clean needle and syringe exchange program, today's action continues the state of emergency first declared by the City Council on November 27, 2001.

- * ITEM-116: Declaring a Continued State of Emergency Due to Severe Shortage of Affordable Housing in the City.

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2005-188)

Declaring a Continued State of Emergency Due to Severe Shortage of Affordable Housing in the City of San Diego.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS

ORDINANCE TO BE INTRODUCED:

ITEM-200: Amending the San Diego Municipal Code Relating to the City's Comprehensive Annual Financial Report.

CITY ATTORNEY'S RECOMMENDATION:

Introduce the following ordinance:

(O-2005-55)

Introduction of an Ordinance amending Chapter 2, Article 2, Division 7 of the San Diego Municipal Code to add New Section 22.0710 pertaining to the City's Comprehensive Annual Financial Report.

SUPPORTING INFORMATION:

On September 27, 2004, the City Council introduced an ordinance implementing the recommendations set forth in the Report on Investigation prepared by the law firm Vinson & Elkins. As part of the motion, the City Council directed that the City Attorney return to the City Council with appropriate amendments to the Municipal Code to require a hearing before the City Council in open session regarding the City's Comprehensive Annual Financial Report (CAFR) upon its completion and transmittal, and requiring the City Auditor and Comptroller's Office to prepare all footnotes to the CAFR. Currently, there is no requirement for a hearing on the CAFR; the City Council receives a copy of the CAFR with a transmittal letter from the City Auditor and Comptroller. In addition, current accounting standards permit the preparation of footnotes to the CAFR (or any of the City's stand alone financial statements) by the City's outside auditor, although that practice is prohibited in the private sector. The proposed new Municipal Code Section would (a) require a hearing before the City Council on the CAFR within thirty (30) days of its completion and transmittal, with exceptions only for emergencies as reasonably determined by the Mayor (acting as the Rules Committee); and (b) require that the City Auditor and Comptroller's Office prepare all footnotes to the CAFR and stand alone financial statements, notwithstanding any rule or standard of accounting practice.

Gwinn/Girard

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS

ORDINANCE TO BE INTRODUCED WITH RESOLUTION TO BE ADOPTED:

ITEM-201: Two actions related to Amending the San Diego Municipal Code Relating to Parking Meter Rates; and Authorizing the City Manager to Establish Downtown Parking Pilot Program.

(See City Manager Report CMR-04-249. Centre City Community Area. District 2.)

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance in Subitem-A and adopt the resolution in Subitem-B:

Subitem-A: (O-2005-64)

Introduction of an Ordinance amending Chapter 8, Article 6, Division 11, of the San Diego Municipal Code by amending Section 86.11, relating to Parking Meter Rates.

Subitem-B: (R-2005-456)

Authorizing the City Manager to establish a Downtown Parking Pilot Program;

Authorizing the City Manager, pursuant to the authority conferred by and in accordance with the provisions of Section 86.04 of the San Diego Municipal Code, to establish variable hours for on street parking from one hour to nine hours time limit, effective between the hours of 8:00 a.m. and 6:00 p.m., Monday through Saturday, with Sundays and certain holidays excepted, in the Downtown Parking Pilot Program area.

CITY MANAGER SUPPORTING INFORMATION:

On March 24, 2004, the City Manager presented the recommendations of the Manager's Parking Task Force to the Land Use and Housing Committee (Manager's Report 04-214). The Land Use & Housing Committee (LU&H) accepted the report of the Parking Task Force and directed the City Manager to return to the Committee with an analysis of the recommendations. At that time, the Land Use & Housing Committee requested among other actions that the City Manager "convene formally or informally a special downtown parking advisory group to develop specific ideas to address downtown parking." This report addresses this specific request from LU&H and includes recommendations that have been made by the Downtown Parking Management Group.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

ORDINANCE TO BE INTRODUCED WITH RESOLUTION TO BE ADOPTED: (Continued)

ITEM-201: (Continued)

CITY MANAGER SUPPORTING INFORMATION: (Continued)

The group was assisted by staff from the Engineering and Capital Projects, General Services, and the Community and Economic Development Departments. The Manager's Report (attachment 1) describes in detail the subject proposal. The subject proposal is to authorize the City Manager to implement changes for time limit parking and parking meter rates within a designated area (pilot area) and within the specified parameters as needed for a period of 18 months. The following groups support this request: Centre City Advisory Council, Parking, Traffic and Transportation Subcommittee; Centre City Advisory Council, Advisory Board; Centre City Development Corporation, Budget/Finance Committee; Centre City Development Corporation, Board Of Directors.

FISCAL IMPACT:

The fiscal impact of this action is described in the Manager's Report.

Mendes/Boekamp/DVW

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS

RESOLUTIONS:

ITEM-202: City Treasurer's Investment Policy and Delegation of Authority.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-499 Cor. Copy)

Receiving and accepting the City Treasurer's Investment Policy for the Pooled Investment fund dated November 2004;

Declaring that the authority to invest the City's operating and capital improvement funds is delegated to the City Treasurer for a period of one year.

CITY MANAGER SUPPORTING INFORMATION:

California Government Code (CGC) Section 53646 paragraph 2 provides that the City Treasurer shall annually render to the City Council a statement of investment policy which the Council will consider at a public meeting. The policy reflects the California Government Code Sections, which govern the investment of public funds and any guidelines that are specific to the City, e.g. conflict of interest, credit rating requirements.

No significant changes have been made for the 2004 Investment Policy from the 2003 Investment Policy. The policy has been reviewed by the City Manager's Investment Advisory Committee (consisting of the City Auditor and Comptroller, Deputy City Manager and two private sector money management professionals) prior to being submitted to Mayor and Council. The Policy will remain in effect until amended in 2005.

California Government Code (CGC) has vested authority with the City Council to invest or to reinvest funds of the City or to sell or exchange securities purchased. Under CGC Section 53607, the City Council may delegate this authority to the City Treasurer for a period of one year. Prior to the enactment of this superceding legislation in 2002, the City Treasurer had the authority to invest the funds of the City under CGC Section 53635 and City Charter Section 45. The City Council now annually delegates this authority to the City Treasurer. City Council's Resolution 298624 adopted on November 24, 2003 was the last time the Council delegated this authority.

FISCAL IMPACT:

No fiscal impact.

Frazier/Vattimo/SM

PUBLIC NOTICES:

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

ITEM-250: Notice of Pending Final Map Approval – City View Condominiums.

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled “City View Condominiums” (T.M. No. 20380 PTS No. 40186), located northwesterly of University Avenue and 46th Street in the Mid-City: City Heights Community Plan Area in Council District 3, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

- (1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.
- (2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.
- (3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this Notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.

PUBLIC NOTICES: (Continued)

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

ITEM-251: **Notice** of Pending Final Map Approval – Felton Heights.

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled “Felton Heights” (T.M. No. 51190 PTS No. 47296), located northeasterly of El Cajon Blvd. and Felton Street in the Mid-City: Normal Heights Community Plan Area in Council District 3, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

- (1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.
- (2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.
- (3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this Notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.

NON-DOCKET ITEMS

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT